

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

LASHAWN LAMONT JOHNSON,

Petitioner,

v.

LAUREL COUNTY DETENTION
FACILITY,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No. 2:21-cv-157

Judge Atchley

Magistrate Judge Wyrick

MEMORANDUM AND ORDER

Before the Court are Petitioner’s motion to reopen this federal habeas action challenging his 2010 Davidson County, Tennessee convictions for aggravated burglary and attempted theft [Doc. 7] and motion for leave to proceed *in forma pauperis*. [Doc. 6]. Previously, this action was administratively closed due to Petitioner’s failure to pay the filing fee or submit a proper *in forma pauperis* application. However, inasmuch as Petitioner has now remedied this deficiency, the Court **GRANTS** Petitioner’s motion to reopen this case [Doc. 7] and motion to proceed *in forma pauperis*. [Doc. 6].

It is unclear to the Court whether Petitioner has fully served his Davidson County sentence, and thus, whether he may be deemed “in custody” pursuant to that judgment. *See* 28 U.S.C. § 2254. However, this Court need not determine that issue, as Petitioner’s federal habeas petition must be “filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him.” 28 U.S.C. § 2241(d). Petitioner is housed in Chickasha, Oklahoma, and is challenging a judgment of conviction from Davidson County, Tennessee. Davidson County is

located in the Nashville Division of the Middle District of Tennessee. *See* 28 U.S.C. § 123(b)(1). Therefore, venue for this action is proper in the Middle District of Tennessee.

Accordingly, and in accord with this Court's authorization to transfer cases to another District "in the interest of justice," *see* 28 U.S.C. § 1406(a), the Court **DIRECTS** the Clerk to **TRANSFER** this action to the United States District Court for the Nashville Division of the Middle District of Tennessee and to **CLOSE** this Court's file.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY JR.
UNITED STATES DISTRICT JUDGE